## STONE MAGNANINI COMPLEX COMMERCIAL LITIGATION

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October 7, 2009

## Via Electronic Filing

Honorable Michael A. Shipp United States Magistrate Judge M.L. King, Jr. Federal Building & U.S. Courthouse 50 Walnut Street Newark, New Jersey 07101

Re: Walsh Securities, Inc. v. Cristo Property Management, Ltd., et al. Civil Action No.: 97-3496 (DRD)(MAS)

Dear Judge Shipp:

This firm represents plaintiff Walsh Securities, Inc. ("Walsh Securities") in the above-referenced matter. Pursuant to Your Honor's August 25, 2009 Scheduling Order, a Telephone Status Conference is presently scheduled for October 14, 2009 at 2:00 p.m. and, one week prior to this conference, the parties are to e-file a joint case status letter. By regular mail the remaining pro se Defendants, Richard Calanni and Richard DiBenedetto, and the pro se Third-Party Defendants, James Walsh, and Elizabeth Ann DeMola, are being provided a copy of this letter that includes the call-in information in the event they choose to participate in the Telephone Status Conference. Before sending this letter I have provided a copy of this letter to counsel for Defendants Commonwealth Land Title Insurance Company, Nations Title Insurance Company of New York, Inc., Fidelity National Title Insurance Company, (collectively the "Title Companies"), Coastal Title Agency ("Coastal"), Robert Skowrenski, II, National Home Funding, and Mr. Calanni, appearing pro se, and it is my understanding that they agree this is a joint submission to the Court. Accordingly, counsel for these defendants and Mr. Calanni join in this letter.

At this time there are no outstanding discovery disputes.

The Title Companies have filed Third-Party Complaints against Robert Walsh, James Walsh and Ms. DeMola. In lieu of answers, these Third-Party Defendants have moved for dismissal of the third-party claims. The motion is fully briefed and returnable before Judge Debevoise on October 19, 2009.

At the time Walsh Securities filed its Fourth Amended Complaint, it was our intention to clean up the caption and eliminate parties that had defaulted or settled. Counsel for the Title Companies strongly objected and insisted that the defaulted and settling defendants remain in the complaint. So as to avoid further motion practice, Walsh Securities filed the Fourth Amended Complaint naming the defaulted and settling defendants. Pursuant to a Stipulation and Order of Dismissal signed by the Honorable Susan D. Wigenton on September 5, 2006, Plaintiff Walsh Securities, Inc. dismissed its claims against Mr. Skowrenski and National Home Funding, Inc. with prejudice. On October 6, 2009, Walsh Securities filed a new Stipulation and Order of Dismissal so

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there is no confusion about the dismissal with prejudice. Nevertheless, as a consequence of being named in the Fourth Amended Complaint, counsel for Mr. Skowrenski and National Home Funding is of the opinion that his clients are back in the case and has requested he be included in this letter and participate in the status conference. By separate letter, counsel for Mr. Skowrenski and National Home Funding has requested the Court's permission to file a dispositive motion as to any claims the Title Companies may have against his clients.

In accordance with the Court's instruction on September 18, 2009, Mr. Calanni served the parties with a copy of his Answer to the Fourth Amended Complaint. We brought to his attention that it had not been docketed and appeared to have not been filed with the Clerk's Office. Mr. Calanni had sent a courtesy copy to Judge Debevoise and has now spoken with his Chambers about delivering the courtesy copy to the Clerk since he is *pro se*. Mr. Calanni is also sending a separate letter to the Clerk's Office as his address does not appear on the docket and he has not been receiving the Court's Orders, which are mailed out by the Clerk's Office.

All parties and the Court will use the following call-in number for the October 14, 2009 telephonic status conference: 1-888-453-4221 and the participant code is 228269.

Thank you for Your Honor's kind attention to this matter.

Respectfully submitted,

STONE & MAGNANINI LLP Attorneys for Plaintiff

By:\_

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## Enclosure

cc: All Counsel of Record (via electronic filing only)
Richard Calanni, pro se (via regular mail)
Richard DiBenedetto, pro se (via regular mail)
James Walsh, pro se (via regular mail)
Elizabeth Ann DeMola, pro se (via regular mail)